

REMARKS

In the Advisory Action of November 12, 2004, the Examiner checked box 2.a, indicating that the proposed amendment(s) will not be entered because they raise new issues requiring further consideration and/or search.

Also, in the Advisory Action, the Examiner checked boxes 2.c and 5.a, indicating that the proposed amendment(s) will not be entered because they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and that request for reconsideration has been considered but does not place the application in condition for allowance, as set forth in the Continuation Sheet.

The Advisory Action Continuation Sheet is the Examiner's rationale. In the After Final Amendment, the arguments on page 6, last line, to page 7, line 3, provided, "Further, the Examiner suggests that the claims do not recite "externally." The idea of the claimed present invention is to externally over a network control real-time content level distribution to a receiving device and to externally control real-time reproduction of the content at the receiving device, which Yao and Ueno do not disclose or suggest." In the Advisory Action, the Examiner maintains that the claims do not recite "externally", and further appears to assert that even if the claims recited "externally," Yao discloses the claimed present invention in column 3, lines 1-8 by disclosing a method of operating a real time stream server.

The independent claims are 3, 9, 11, 12, 13 and 15.

INDEPENDENT CLAIMS 3, 12, 13, and 15

However, the independent claims 3, 12, 13 and 15, have been amended for clarity, using independent claim 3 as an example, as follows.

3. (CURRENTLY AMENDED) An information distribution/reproduction control apparatus, comprising:
- a distribution control unit distributing over a network a content as real-time reproducible stream information to a receiving device;
 - a reproduction control unit controlling the distribution control unit regarding distribution of the content to the receiving device, and controlling over the network according to reproduction instructions to the receiving device the real-time reproduction of the stream information of the content at the receiving device; and
 - a memory unit storing a distribution schedule information of the distribution control unit and the reproduction control unit,
- wherein the distribution schedule information comprises information on a time and a date to start and end the distribution of the content, and the reproduction control unit controls the distribution control unit and the receiving device based on the stored distribution schedule information (emphasis added).

Yao fails to disclose or suggest, “controlling over the network according to reproduction instructions to the receiving device the real-time reproduction of the stream information of the content at the receiving device” (e.g., claim 3). Yao, in column 3, lines 1-8 and column 11, lines 17-27, which are relied upon by the Examiner, discloses “determining the number of unit streams to be used and a block transfer time for real-time stream data,” which differs from the claimed present invention’s, “over the network ... reproduction instructions to a receiving device.” In other words, determining a number of unit streams and a block transfer time at the transmission side is not same as “over the network ... reproduction instructions” provided to a receiving device. Yao is concerned with a real-time server realizing a supply of a plurality of real time data with different data rates by a scheduling scheme using constant time-slot interval and transfer start timing period (Abstract). However, Yao fails to disclose or suggest the claimed present invention’s, “a **reproduction control unit** controlling the distribution control unit regarding distribution of the content to the receiving device, and **controlling over the network according to reproduction instructions to the receiving device** the real-time reproduction of the stream information of the content at the receiving

device,” because Yao controls a block transfer time at the transmission side, and Yao fails to provide the claimed present invention's, “**over the network ... reproduction instructions to the receiving side.**” In particular, the Examiner has already acknowledged in page 2, last paragraph, of the Final Office Action of June 3, 2004 that Yao fails to disclose the claimed present invention's, “a **reproduction control unit** controlling the distribution control unit regarding distribution of the content to the receiving device, and **controlling over the network according to reproduction instructions to the receiving device** the real-time reproduction of the stream information of the content at the receiving device.”

Also, Ueno fails to disclose or suggest the claimed present invention's, “**over the network ... reproduction instructions to the receiving device.**” Ueno discloses a video on demand system providing an information transmission system 200 and an information relay system 212 as shown in FIG. 2, to improve communication efficiency to the set-top unit 211 (column 3, lines 45-48, column 9, line 16 to column 10, line 47).

However, Ueno either alone or as combined with Yao, fails to disclose or suggest the claimed present invention, because contrary to the Examiner's suggestion, Ueno, in column 4, lines 32-50 and 62-64 as relied upon by the Examiner, discloses providing “reproduction means for **receiving and reproducing** the real-time data,” which differs from the claimed present invention, in which a reproduction control unit “**over the network**” (i.e., externally) **controls the real-time reproduction of the stream information of the content at the receiving device** by providing “a **reproduction control unit** controlling the distribution control unit regarding distribution of the content to the receiving device, and **controlling over the network according to reproduction instructions to the receiving device** the real-time reproduction of the stream information of the content at the receiving device” (e.g., claim 3). In other words, Ueno fails to disclose or suggest the claimed present invention's, “**over the network ... reproduction instructions to the receiving device.**” As shown in FIG. 2 of Ueno, the reproduction means of Ueno is in the receiving set-top unit 211 that controls reproduction of the real-time data received from the network. Ueno's FIG. 10 clearly identifies the components of Ueno's video on demand system, in which the reproduction means is the set-top units (STUs) 1010 through 1013 that receive and reproduce real-time data. More particularly, Ueno, column 4, lines 32-50, clearly disclose that the service control means, the communication-network-resources management means, and the storage resources management control means (server 200 and head end 212 in FIG. 2), only control video data distribution to the reproduction means (STU 211, 411) as the

receiving unit, and the server 200 and the head end 212 do not control the reproduction means (STU 211, 411) as the receiving unit for purposes of reproducing the video data.

Also, Ueno's "storage-resources management control means for managing the kind of said real-time data stored in said data storage means, and for managing the number of real-time data being able to be transmitted by said data storage means at the same time, to determine one of said plurality of storage means, by which a required real-time data is to be transmitted" (column 4, lines 43-47, which is relied upon by the Examiner), differs from the claimed present invention's "**over the network ... reproduction instructions to the receiving device,**" because Ueno manages "the kind ... and ... number of real-time data being able to be transmitted by said data storage means" and not the claimed present invention's "**over the network ... reproduction instructions to the receiving device.**" Therefore, in contrast to Yao and Ueno, the claimed present invention provides a benefit of "**over the network**" (i.e., externally) controlling real-time reproduction of a content at a receiving device via "**reproduction instructions**" by providing "**a reproduction control unit** controlling the distribution control unit regarding distribution of the content to the receiving device, and **controlling over the network according to reproduction instructions to the receiving device** the real-time reproduction of the stream information of the content at the receiving device" (e.g., claim 3).

INDEPENDENT CLAIMS 9 AND 11

Also independent claims 9 and 11 are amended to clarify that content level reproduction control is over a network.

Ueno and Yao (in column 3, lines 1-8) clearly fail to disclose or suggest the claimed present invention as recited in independent claims 9 and 11, using claim 9 as an example:

a reproduction control unit controlling the distribution control unit regarding the distribution of the plurality of stream information of the contents to the receiving device and **controlling over the network the receiving device regarding a display method relating to the real-time reproduction of the plurality of stream information of the contents;** and

a memory unit storing ***importance level information of each content,***

wherein the reproduction control unit **controls over the network the receiving device to reproduce a higher priority stream information of a content over stream information of other contents based on the stored importance level information.**

For example, both Ueno and Yao, clearly do not disclose or suggest the claimed present invention's "**controlling over the network the receiving device regarding a display method** relating to the real-time reproduction of the plurality of stream information **of the contents**" (independent claim 9, emphasis added).

CONSIDERATION OF THE CLAIMS

Support for the claim amendments can be found, for example, in page 30, lines 9-14, and FIG. 6, of the present Application. See also, FIGS. 1-5 and FIGS. 15 and 16 and their descriptions on page 74, line 18 to page 79, line 10, of the present Application.

Entry of the After Final Amendment of September 3, 2004 and reconsideration of the claims as amended in the After Final Amendment and the remarks is respectfully requested.

In view of the amendments and remarks in the After Final Amendment of September 3, 2004 and the remarks herein, it is respectfully submitted that the application is in condition for allowance, and withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

CONCLUSION

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Respectfully submitted,
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